



# DEPARTMENT OF STATE INSTRUCTION

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NO. DA-9269, April 27, 1959,

Copy No. .... 1

**SUBJECT:** Current Developments Relating to the Problems of Berlin and German Reunification

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752.00/4-2759

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Policy Information Statement (Bureau series)  
EUR - No. 291

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APR 25 1959 P.M.

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I. Background (SECRET)

This Circular Instruction is designed to supplement the reference circular by bringing the posts up to date on the more recent developments relating to the Berlin situation and the inter-allied discussions and preparations looking toward the meeting of the Foreign Ministers of the United Kingdom, France, and the United States with the Foreign Minister of the Soviet Union scheduled for May 11 in Geneva. (Arrangements for this meeting were made through the delivery of similar notes to the Soviet Union on March 26 proposing the convening of a Foreign Ministers' meeting "to consider questions relating to Germany, including a peace treaty with Germany and the question of Berlin". The purpose of the Foreign Ministers' meeting would be "to reach positive agreements over as wide a field as possible, and in any case to narrow the difference between the respective points of view and to prepare constructive proposals for consideration by a conference of Heads of Government later in the summer". On March 30, the Soviet Union indicated its agreement to the Foreign Ministers' meeting.)

During the period from March 9 to March 21, an Ad Hoc Working Group consisting of representatives of the United Kingdom, France, the United States, and the Federal Republic of Germany, met in Paris to work out the Western substantive positions on Berlin, Germany and European security. The Working Group submitted a detailed report to the Western Foreign Ministers during their recent meeting in Washington on March 31 and April 1 preceding the Tenth Anniversary of the NATO.

Report of the Working Group

The report took as its point of departure the proposition that the threat which the USSR exerts against the Allied position in Berlin must be averted by a manifestation of the Western determination not to yield to pressure and at the same time by an offer to negotiate. The report outlined a plan for negotiation, essential elements of which were as follows:

1. Reunification:

The plan recommended a modification of the principle of the Eden Plan which had been presented to the USSR at the Berlin Conference in 1954 and the Geneva Conference of 1955 and which called for free elections as the first step in the reunification process. It proposed the postponement of free elections for an interim period of 1 to 3 years, during which period a non-elected German commission selected on a proportional basis from the West and East German States (Laender) would be established. The Commission would operate on a two-thirds majority basis. Its tasks would include preparation for all-German elections, the undertaking of certain non-political tasks in the fields of technical, commercial and cultural contacts, and the promotion of free movement of ideas and goods throughout Germany.

The report

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The report also developed several plans for achieving reunification. A German plan, approved by the Working Group, called for elections in the German Laender for representatives to an all-German Council to be held at the end of one year. It would be the task of the Council to prepare elections for an all-German National Assembly which in turn would draft an all-German constitution and form an all-German government.

The American Delegation submitted a similar but simpler plan which, it was agreed, should be considered as an alternative to the German proposal. The American plan would eliminate the provisions regarding an all-German Council and would provide for all-German elections at the end of a three year period. In the case of both plans care was taken to ensure against a situation arising in the intermediate period which would permit the extension of the powers of the all-German body to the field of foreign affairs or the development of a sort of loose confederation enabling the so-called German Democratic Republic to acquire an influence over the internal policy of the Federal Republic. It was also agreed to grant the German Laender in a reunified Germany special rights permitting them to choose either to maintain or abandon the so-called "social achievements" of the GDR.

## 2. European Security

In connection with the relationship between European security and German reunification, the report outlined for consideration certain security measures in connection with the phased reunification plan. The Working Group presented a four-stage plan for synchronizing measures in the security and reunification fields. In Stage I (of very short duration) only measures of a declaratory nature would be taken; in Stage II (preceding all-German elections) no measures would be taken altering the military capabilities of the West; only in Stage III (following all-German elections) would measures of limitation and control be introduced. In Stage IV a German Peace Treaty would be concluded.

In the plan presented for consideration, measures for limitations in a European Security Area were linked with agreements on over-all troop strengths as developed in the course of disarmament discussions with the Soviet Union. This was done to emphasize that the balance of power in a restricted area in Europe cannot be safely considered in isolation from the over-all strength of the Soviet Union which would border a special zone in Europe. Complete agreement was not reached on some of the security measures proposed. The French in particular were reluctant to consider associating any portion of the disarmament package developed in 1957 with plans for German reunification and European security unless all the elements of the package were included.

## 3. Peace Treaty

The Working Group was unable to agree whether a draft of a peace treaty  
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or the principles of a peace treaty should be brought forward even with the necessary reservations about the position of an eventual unified German government.

#### 4. Berlin

The Working Group agreed on the following points regarding Berlin:

- a. A settlement of the problem on a Four-Power basis would be preferable to a United Nations solution;
- b. Any settlement should permit the Western occupation troops to remain in West Berlin with unrestricted access;
- c. The present basis of the Three Western Allies' right to be in Berlin, i.e., the right of conquest, should be maintained, and a Four-Power agreement which would modify the present basis would not be satisfactory;
- d. A certain variant of the "agent" theory (i.e., acceptance of the East Germans as the acknowledged agents of the USSR) could be considered;
- e. As a fall-back position, we might propose a settlement for all of Berlin, guaranteed by troops of the Four Powers;
- f. That any fall-back position going farther than (e) would probably be incompatible with the above principles.

#### Meetings of the Western Foreign Ministers and the NATO Council

##### 1. Foreign Ministers - March 31-April 1

At the meeting of the Foreign Ministers of the United Kingdom, France, the United States, and the Federal Republic of Germany, which was held in Washington on March 31 and April 1, the report of the Working Group was reviewed. While there was considerable agreement on the Berlin problem and the Western position on this issue a number of differences of opinion arose with respect to certain parts of the Working Group report. These may be summarized most conveniently under the various headings of the report, as follows:

##### A. Reunification

With reference to the reunification proposals submitted by the American and German Delegations, the German Foreign Minister von Brentano indicated that he was totally opposed to any proposals involving "confederation" of the Federal Republic and the German Democratic Republic and rejected the idea

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of the selection of representatives to an all-German body from the German States (Laender). In effect, he rejected both the proposals introduced by the German and the American participants in the Working Group. Later in the discussion, von Brentano agreed to the formation of an all-German commission provided that the responsibilities of this body were confined to the drafting of an electoral law and the presenting of recommendations to the existing German governments. Brentano also insisted, however, that the members of the all-German body should be directly appointed rather than selected by the West and East German legislatures in order to avoid giving the East Germans any aura of respectability.

#### B. European Security

On this aspect of the Working Group report both the French and German Foreign Ministers had difficulty. The French insisted that there should be no troop limitations without German reunification. Moreover, they were disturbed because certain elements of the 1957 general disarmament proposals had been omitted from the four-stage reunification plan submitted by the Working Group. In this connection, the French suggested the possibility of resuming the general disarmament talks, with progress in the disarmament field paralleling progress in the settlement of the German problem. In general, the Germans took a position similar to that of the French.

#### C. Peace Treaty

The German Delegation indicated that it considered it unwise for the West to table a draft of a peace treaty in the meeting with the Soviets since this might involve discrimination against a future all-German government. They suggested that the principles of such a draft might be offered. The British took the position that such a draft would not be required in any case since in view of the improbability of Soviet agreement to reunification, a treaty would be unnecessary. At the later session of the NATO Council it was agreed that the question would be returned to the Working Group which would draw up a set of principles for a treaty and would discuss further the tabling of a complete draft.

#### D. Berlin

As indicated above, a large measure of agreement was reached on the problem of Berlin. It was generally agreed that it would be unwise to surrender the present basis of our right to be in Berlin, i.e., the right of conquest, in exchange for a new contractual agreement with the Soviets. The British, however, argued strongly for some such change, pointing out the exposed position of the city and the propaganda disadvantage of continuing to use the right of conquest as our basis so long after the end of the war. In response to this argument, the French pointed out that the NATO guarantee as it applied to

Berlin

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Berlin rested on the present arrangements. With reference to the question of planning designed to meet possible Soviet threats against Berlin it was generally agreed that while the United Nations might be brought into the picture at some point, the Western Allies had the fundamental responsibility for their position in the city. (End Secret)

NATO COUNCIL Session (Unclassified)

Following their two day meeting the Four Foreign Ministers presented a report on their discussions to the NATO Council session on April 3. The Council found itself in full agreement on the essential elements of the West position. The NATO Ministers recognized that firmness was the only course to be followed in dealing with Soviet threats and our willingness to defend our rights must be made clear.

In particular, there was general agreement on certain principles, i.e. that the United States, the United Kingdom and French forces should remain in West Berlin and that there should be no reunification without free elections, that proposals which would have as an eventual consequence the neutralization of Germany and the withdrawal of United States, United Kingdom and other NATO forces from Europe, are not acceptable. The Ministers also reaffirmed their declaration on Berlin of December 16, 1958, stressing their unanimous determination to maintain the freedom of West Berlin's people and the rights and obligations of the Allied Powers in Berlin. The United States, the United Kingdom, French and German Foreign Ministers confirmed their readiness to undertake negotiations with the Soviets on any reasonable basis for the unification of Germany in freedom. They also agreed that, in negotiations with the Soviets, they cannot accept any agreements which impair Western security interests. Agreement was also reached on procedures for full and continuous consultation with the NATO Council in connection with preparations for the forthcoming Foreign Ministers' meeting with the Soviets (End Unclassified)

Report of the Working Group Sessions - April 13-23 (Secret)

On the basis of instructions received from the Foreign Ministers, the Quadripartite Working Group resumed its sessions on April 13 in London. These sessions were concluded on April 23 and the Working Group has now submitted a second report which will be reviewed by the Foreign Ministers of the United Kingdom, France, the United States and the Federal Republic of Germany in Paris beginning on April 29. It will also be discussed with the Permanent Representatives in the North Atlantic Council.

The report reflects the fact that, in fulfillment of the directions given to them by the Western Foreign Ministers in Washington on April 1, the Working Group has prepared the following:

1.a A revision

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1.a A revision of the "Phased Plan for German Reunification and European Security and a German Peace Settlement"

b Preliminary Draft Principles of a German Peace Settlement

2. Proposals on Berlin

3. A paper on Tactics at a Foreign Ministers' Conference

4. A statement to the North Atlantic Council

While the Working Group has reached a large identity of view, there are nevertheless certain questions on which an agreed direction must now be sought from the Ministers. The following are questions which must still be resolved:

1. Security and Disarmament

(a) In what terms should the connection be expressed between General disarmament on one hand and European security and German reunification on the other hand? In particular, can a measure of general disarmament (over-all force levels and arms reduction for the Four Powers - U.S., U.K., France and the USSR) be introduced into the plan? Alternatively, should the plan provide for a parallel negotiation about general disarmament?

(b) Should provisions which are stated in general terms for measures against surprise attack allow for an alternative proposal limited to Europe and also for a specific proposal for ground inspection limited to a small area in Europe?

(c) Should a specific formula or general language be used for limiting the strength of indigenous military forces in a defined area in Europe?

(d) Should a prohibition against the stationing of IRBMs in a defined area in Europe be included?

(e) Should Hungary be included in the area in Europe in which special measures would be applied?

(f) Can and should the area in Europe in which special security measures would be applied be identified in other than political terms?

2. Berlin

(a) What Berlin proposals should be made within the "phased plan"?

(b) In considering

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(b) In considering secondary solutions, i.e. solutions apart from the "phased plan", could the Western Powers accept anything beyond the "agency theory"?

(c) Can a declaration by the German Democratic Republic (GDR) of the type included in the final fallback proposal on Berlin be envisaged without moving too far in the direction of the recognition of the GDR? If so, can the Western Powers take the initiative with the Soviets in obtaining this, or should this initiative suggesting such a GDR declaration be left to the Soviet Union.

(d) What measures of United Nations participation, if any, can the Western Powers contemplate? Should the U.N. role include U.N. personnel to determine whether the declaration concerning free access and non-use of force are being fulfilled.

### 3. Tactics

(a) Should the Western Powers give any publicity to the "phased plan" prior to the May 11 meeting?

(b) Should the Western Powers introduce the "phased plan" (or an indication of it) at the outset or should they hold it in reserve until they have been able, to some extent, to probe the Soviet position?

(c) If (a) has not been done, should the "phased plan" be publicized, either textually or in summary, when it is introduced?

(d) Should the Western Powers fully explore the "phased plan" with the Soviets and decide on its final disposition before any separate discussion of Berlin? Or should they seek to have the Berlin question discussed before entering into a discussion of the "phased plan"?

(e) Should the Western Powers oppose any discussion of the Peace Treaty principles, permit only extremely limited discussion, or be prepared for a detailed discussion? (End Secret)

## II U.S. Policy and Objectives (Unclassified)

(Same as set forth in CA-8078, March 23)

## III Special Considerations for Guidance of U.S. Agencies and Officials

### A. Points to Emphasize

(same as set forth in CA-8078, March 23) (End Unclassified)

### B. Cautions (Confidential)

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B. Cautions (Confidential)

a. In view of the fact that the detailed aspects of the Western positions have not been agreed as yet and that these positions in any event require that final concurrence of the Western Foreign Ministers, the public presentation of the Western position should be couched in very general terms.

IV Public Position

In addition to the suggestions contained in Part IV of CA-8078 of March 23, the use should also be made of communiques issued following the Foreign Ministers' meetings of March 31-April 1, and the NATO Council sessions of April 2-4.

As soon as the fundamentals of the Western position have been agreed upon and certain tactical questions relating to the public presentation of this position have been agreed upon by the Western Foreign Ministers, further guidance to the posts will be forthcoming.

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